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international**

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ASA 21/WU 02/92 EXTERNAL
27 March 1992

**INDONESIA/EAST TIMOR
EAST TIMOR HUMAN RIGHTS PROTESTORS CHARGED WITH SUBVERSION**

Amnesty International has yet to receive a response from the Indonesian Government concerning the attendance of Amnesty International observers at the trials of 13 East Timorese arrested in connection with the November 1991 Santa Cruz massacre. Four of the defendants face charges of subversion; the remaining nine are charged under provisions which define "expressing hostility, hatred or contempt" toward the government as a criminal offence.

Amnesty International wrote to Foreign Minister Ali Alatas on 12 March 1992 to request permission to visit the country in order to observe the trials. The letter expressed the view that if convicted, some or all the defendants would be prisoners of conscience, imprisoned for the peaceful exercise of their rights to freedom of expression, opinion and association. The letter also expressed concern that the trials may fail to meet international standards of fairness.

Amnesty International noted that a consensus statement issued by the United Nations Commission on Human Rights on 4 March 1992 urged the authorities to improve the human rights situation in the territory and called on the government to "facilitate access to East Timor for additional humanitarian organizations and for human rights organizations".

Amnesty International said it continued to be deeply disturbed by the government's response to the Santa Cruz massacre, during which troops opened fire on participants in a peaceful demonstration killing between 100 and 200 unarmed civilians. In an important and unprecedented move, the government announced at the end of February that disciplinary measures would be taken against members of the armed forces and that eight officers would be court-martialled. Further information on these proceedings has not been made available in recent weeks. The government has continued to suggest that those who participated in the demonstration, which expressed opposition to Indonesian rule in East Timor, "provoked" the massacre. The alleged organizers, along with others who organized protests in Jakarta, Bali and elsewhere in Indonesia, have been arrested and some are now facing trial.

In Jakarta the trial of Fernando de Araujo, an East Timorese resident in Bali, began on 16 March 1992. Extracts from the indictment against Fernando de Araujo contain no reference to acts involving the use or advocacy of violence or other acts which could be construed as recognizable criminal offences in accord with international standards. Rather, they list a series of telephone conversations during which the defendant reported acts of violence by the

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security forces and discussed the holding of protest demonstrations. The indictment states that after the Santa Cruz massacre the defendant appealed for news of the killings to be conveyed to foreign embassies in Jakarta and to international organizations, including Amnesty International. The indictment itself asserts that the discussions were aimed at "obtaining the sympathy of the outside world for human rights violations that had taken place in East Timor". The defendant is charged under Indonesia's sweeping Anti-Subversion Law, which carries a maximum penalty of death.

The allegations against Joao Freitas da Camara, also charged with subversion in Jakarta, apparently refer primarily to his organization of a peaceful demonstration in Jakarta to protest against the Santa Cruz massacre. Three others on trial in Jakarta, Domingus Barreto, Agapito Cardoso and Virgilio da Silva Guterres are reportedly accused of participating in the demonstration and of carrying banners which were "insulting to the Indonesian Government".

The trials of Francisco Miranda Branco and Gregorio da Cunha Saldanha began on 12 and 14 March in Dili. Both face charges of subversion and are accused of membership of a student organization which allegedly supports Fretelin, an organization engaged in armed opposition to Indonesian rule in East Timor. But evidence for these charges appears to be based on their having organized peaceful protests against Indonesian rule in East Timor, including the procession to Santa Cruz cemetery.

"It is disturbing that efforts to disseminate information about human rights violations by the security forces have been presented as evidence of subversive activity", Amnesty International said.

Furthermore, Amnesty International has repeatedly expressed concern that political trials in Indonesia/East Timor fall short of international standards of fairness. With respect to the Dili trials, these concerns were heightened when lawyers from the Jakarta-based Legal Aid Foundation (LBH), acting as counsel for Francisco Miranda Branco and Gregorio da Cunha Saldanha, were barred from the courts when the trials began on 12 and 14 March. The lawyers were ostensibly banned for not having a permit to practise in East Timor, a ruling the lawyers refuted on legal grounds. Supreme Court Justice Ali Said announced on 22 March that LBH lawyers would be granted access to the courts.

Other aspects of the authorities' treatment of those arrested in connection with the Santa Cruz massacre continue to cause serious concern. On 28 February the government announced the conditional release of 17 East Timorese imprisoned after the human rights protest in Jakarta. Subsequent reports indicated that the 17 detainees were taken to a government boarding house in East Jakarta, where they were to receive a "lecture" from military officials. Amnesty International has requested information about the current circumstances of the 17 but has to date received no response from the authorities. In East Timor, 24 detainees the authorities said would be released are believed to be still confined in unspecified locations outside Dili. On 9 March the military commander of East Timor, Brig. Gen. Theo Syafei, told the press that each of the 24 had been assigned to a company commander and that they were "to be given guidance, to be educated to become sound Indonesians".